

**BOULDER CITY COUNCIL MEETING  
MUNICIPAL BUILDING, 1777 BROADWAY**

**Tuesday, April 20, 2010**

**6:00 p.m.**

**AGENDA**

**1. CALL TO ORDER AND ROLL CALL**

Mayor Osborne called the regular April 20, 2010 council meeting to order at 6:05p.m.in the council chambers.

Those present were: Mayor Osborne, Deputy Mayor Wilson and Council Members Ageton, Appelbaum, Becker, Cowles, Gray, Karakehian and Morzel.

Mayor Osborne read a declaration honoring City Clerk Alisa Lewis for achieving her Master Municipal Clerk's designation and declared April 20, 2010 as Alisa Lewis Day in the City of Boulder.

Mayor Osborne made an announcement about the recruitment for the Board of Zoning Adjustment, Landmarks, and Transportation Advisory Boards. She indicated the deadline to apply was May 4.

**2. PUBLIC PARTICIPATION and COUNCIL/STAFF RESPONSE – 6:10 p.m.**

1. Seth Brigham spoke regarding public access and read a poem called Rainy Day Woman.
2. Mary Louise Chavers, citizen registered as pesticide reactive, spoke to how cruel pesticides can be for animals as well as humans. She commented that many property owners don't let residents know about pesticide application until after the application had been applied.
3. Rob Smoke spoke to water quality testing and noted that the standard testing is inadequate at the Reservoir.
4. Cassie Gedbaw, a COPIRG student at CU and member of the City Manager's Student Advisory Committee, invited Council to a documentary screening on homelessness that students made. The documentary showing takes place on Monday, April 26 at 7pm at Helms 199. The group developed a proposed restorative justice program in response to the camping ordinance.
5. Elizabeth Allen discouraged the expenditure of city resources on the 4-20 event at CU.

**City Manager Response: - 6:25 p.m.**

Deputy City Manager Paul Fetherston indicated that the Council would hear more about the Boulder Reservoir Master Plan and water quality at its May 11 study session.

**City Council Response:**

Council Member Cowles indicated he would like to see staff develop a protocol in terms of water quality testing.

Mayor Osborne indicated she would like to see staff follow up with Ms. Chavers and ensure that pesticide spraying is appropriately noticed.

3. **CONSENT AGENDA: - 6:30 p.m.**

- A. **APPROVAL OF CITY COUNCIL MEETING MINUTES FROM MARCH 31, 2010.**
- B. **CONSIDERATION OF A MOTION TO ACCEPT THE SUMMARY OF THE FEBRUARY 9, 2010 STUDY SESSION REGARDING THE FIRE-RESCUE MASTER PLAN.**
- C. **CONSIDERATION OF A MOTION TO ADOPT THE 28<sup>TH</sup> STREET FRONTAGE ROAD TRANSPORTATION CONNECTIONS PLAN.**
- D. **CONSIDERATION OF A RESOLUTION CONCERNING THE PROPOSED CITY OF BOULDER (ACTING THROUGH ITS STORM WATER AND FLOOD MANAGEMENT UTILITY ENTERPRISE) STORM WATER AND FLOOD MANAGEMENT REVENUE REFUNDING BONDS, SERIES 2010, IN A PRINCIPAL AMOUNT NOT TO EXCEED \$3,500,000, AUTHORIZING THE OFFICIAL NOTICE OF BOND SALE WITH RESPECT TO SAID SERIES 2010 BONDS; PRESCRIBING CERTAIN DETAILS CONCERNING SAID PROPOSED SALE AND SAID SERIES 2010 BONDS; APPROVING THE FORM OF A PRELIMINARY OFFICIAL STATEMENT; AND PROVIDING THE EFFECTIVE DATE OF THIS RESOLUTION.**

City Clerk Lewis announced that the Moody's rating was AA2 and the Standard & Poors rating was AAA.

- E. **INTRODUCTION, FIRST READING AND CONSIDERATION OF A MOTION TO ORDER PUBLISHED BY TITLE ONLY AN EMERGENCY ORDINANCE ADOPTING SUPPLEMENT NO. 104, WHICH CODIFIES PREVIOUSLY ADOPTED ORDINANCE NO. 7701, AND OTHER MISCELLANEOUS CORRECTIONS AND AMENDMENTS AS AN AMENDMENT TO THE BOULDER REVISED CODE, 1981.**

Council Member Cowles spoke to item 3C and noted he had talked with the owner of the Best Western, Mr. Wallace, about his concerns with the Connections Plan including potentially losing parking. Council Member Cowles expressed that Mr. Wallace's concerns were substantially allayed by their conversation.

Council Member Gray suggested Council adopt the plan but ask staff to contact the other property owners (including properties to the east) to review the Plan and determine whether there were any additional concerns.

Council Member Cowles moved, seconded by Appelbaum to approve consent agenda items 3A through 3E with item 3C pulled from the consent calendar. The motion carried unanimously, 9:0 at 6:43 p.m.

4. **CALL- UP CHECK IN: - 6:44 p.m.**

Council Member Ageton expressed interest in discussing the call-up item.

## ORDER OF BUSINESS

### 5. PUBLIC HEARINGS:

- A. CONSIDERATION OF A MOTION TO ACCEPT THE BOULDER COUNTY TEN YEAR PLAN TO ADDRESS HOMELESSNESS AND INTRODUCTION, FIRST READING AND CONSIDERATION OF A MOTION TO ORDER PUBLISHED BY TITLE ONLY AN ORDINANCE AMENDING SECTION 5-6-10, "CAMPING OR LODGING ON PROPERTY WITHOUT CONSENT," B.R.C. 1981, BY REMOVING THE AUTHORITY OF THE CITY MANAGER TO ISSUE PERMITS FOR CAMPING; AND SETTING FORTH RELATED DETAILS. – 6:45 P.M.**

City Manager Brautigam introduced the item. Housing and Human Services Director Karen Rahn then spoke to the purpose of the Boulder County Ten Year Plan and the City's interests in the Plan including balancing crucial human service needs, and providing a framework for decision making regarding priorities for funding. She noted homeless prevention was a number one goal, followed by providing temporary shelter for those who are temporarily homeless and providing permanent housing for the chronic homeless. She also spoke to key strategies in the Plan. Next steps included releasing the final plan, developing an evaluation plan, developing a funding plan, and developing an implementation Plan.

Robin Bohannon with Boulder County Community Services noted Boulder County and the City should pride themselves on providing cutting edge services. She acknowledged that many of the services are fragmented and it would be important to remain competitive in terms of regional and national funding.

Greg Harms, Boulder County Homeless Shelter, commented that it was difficult to maintain the current level of services. The original goal of the homeless shelter was for getting people in and out of the cold when the weather was life threatening. The shelter should be a temporary place and currently has a 90-day limit. Homeless shelter staff encourage people to move into one of the other programs and make room for others to stay. The shelter has a year round clean and sober transition program with 60 plus qualified clients, even throughout the summer. Without qualification requirements, the shelter could easily become a youth hostel in the summer. The current agreement with neighbors does not allow operation in the summer or allow more than 160 patrons.

Carmen Atilano with Housing and Human Services then spoke to the Human Relations Commission (HRC) recommendations that included removing the City Manager's authority to issue permits for camping. The HRC recommended that staff be directed to develop a process for issuing camping permits.

Human Relations Commission Chair, Dr. Jonathan Dings, then provided some comments about the HRC recommendations.

Council Member Morzel commented that she would like to see the per capita contribution Boulder makes to Human Services versus other cities such as Denver, Fort Collins etc...

The public hearing was opened: - 7:50 p.m.

1. Seth Brigham indicated he supported efforts to get permanent housing for the homeless. He urged council to allow camping in Boulder.
2. Elizabeth Allen encouraged Council to put most of its funding towards homeless prevention. She suggested Council could tax alcohol establishments to help provide support for homelessness.
3. Michael Fitzgerald read a story from a local homeless person who works 26 hours a week at night and can only use the shelter 2 nights a week.
4. David Lee Madison, Jr. spoke to the harassment and discrimination of the homeless in Boulder.
5. Terri Sternberg expressed that in 10 days the shelter would close and many people would be "hiding" not camping. Please consider the safety of the homeless.
6. Mark Dennehy expressed disappointment that Council and the Human Relations Commission were not focusing on the camping ordinance.
7. Carolyn Bninski with the Rocky Mountain Peace and Justice Center thanked Council for its work on the Ten Year Plan. She disagreed with the change to remove the authority of the City Manager to issue camping permits. Boulder is not offering the homeless any other option except to break the law. Please come up with some short term solutions for the summer.
8. John Russell asked Council to stop the act of arresting homeless for camping. Please develop programs now that assist the homeless instead of harass them and continue the City Manager issued permits.
9. Jim Bud spoke to emergency warming centers and suggested the homeless themselves could assist Council with the answers to many of its questions. Safety and security of women in the summer time is most important. The faith based community could assist with facilities needed to provide the warming centers during the summer months.
10. Jennifer Balse expressed her excitement about the Ten Year Plan. She encouraged a short term solution for this summer. She expressed extreme concern over the safety of women during the summer months.

There being no further speakers, the public hearing was closed at 8:22 p.m.

Council Member Gray moved, seconded by Morzel to accept the Boulder County Ten Year Plan to Address Homelessness. The motion carried unanimously, 9:0; 8:33 p.m.

Council Member Appelbaum moved, seconded by Karakehian to introduce and order published by title only an ordinance amending Section 5-6-10, "Camping or Lodging on Property Without Consent," B.R.C. 1981, by removing the authority of the City Manager to issue permits for camping; and setting forth related details. The motion carried unanimously, 9:0; 8:44 p.m.

**B. CONSIDERATION OF A MOTION PROVIDING CITY COUNCIL DIRECTION ON CITY PRIORITIES FOR THE REGIONAL TRANSIT DISTRICT'S REQUEST FOR PROPOSALS (RFP) ON DEVELOPMENT OF THEIR PORTION OF THE BOULDER TRANSIT VILLAGE SITE. – 8:45 P.M.**



Randall Rutsch, Senior Transportation Planner, provided the presentation on the item and showed the existing ownership parcels and RTD's preferred alternative resulting from the Concept Plan process. Following this process, DRCOG has imposed sanctions on RTD for delays in spending the federal grant funds. Responding to the tight time line of the sanctions, RTD has decided to pursue a design-build approach to the project and will be issuing a RFP in late summer that would allow for a mix use project on the site. He then spoke to what the city's priorities could be for the RFP that were outlined in the memo and provided next steps which included working with RTD to include the city's priorities in the RFP. City staff would be included in the selection process and contract negotiations and work would begin before the end of the year.

The public hearing was opened at 9:10 p.m.

1. Elizabeth Allen urged Council to be wary of too much density.

There being no further speakers the public hearing was closed.

Council Member Becker moved, seconded by Cowles to accept the list of city priorities (attached to the agenda memo) for inclusion in the RTD RFP and selection process for development of the RTD site. The motion carried unanimously 9:0; 9:14 p.m.

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Consent Agenda Item 3C was taken up at this time:

Council Member Gray indicated she pulled the item to discuss the parking impacts to the Best Western Motel and the fact that concerns raised by the owner of the property were not reflected in memo.

Council Member Becker moved, seconded by Karakehian to adopt the 28<sup>th</sup> Street Frontage Road Transportation Connections Plan. The motion carried unanimously, 9:0 at 9:24 p.m.

Council Member Gray moved to amend the motion and direct staff to avail themselves to property owners that would like to have them come out and look at their property to see if their were additional concerns. The motion failed 2:7; Gray and Morzel in favor.

6. **MATTERS FROM THE CITY MANAGER: - 9:25 p.m.**

City Manager Brautigam spoke to the City's desire to partner with Xcel Energy for rapid decarbonization. She and members of staff met with David Eves, President of Xcel, along with Jay Hermann, Craig Eicher and Paula Connelly to discuss next steps in the franchise negotiations. Xcel was asked about extending the franchise for 2 years, ending in 2012. During those 2 years, both entities would partner on a study to look at possibilities of decarbonization including real facts and figures. Xcel was considering the proposal. Some council members may receive phone calls from Xcel requesting a meeting with them in the future to discuss ideas. Ms. Brautigam reiterated that there was no agreement yet. She clarified that a member of the decarbonization team would at some point be included in the proposed consulting team. She noted a document provided to Council was a draft copy.

7. **MATTERS FROM THE CITY ATTORNEY: - None**

**8. MATTERS FROM MAYOR AND MEMBERS OF COUNCIL:**

**A. POTENTIAL CALL-UPS: - 9:37 P.M.**

- 1. LANDMARK ALTERATION CERTIFICATE TO INSTALL PHOTO-VOLTAIC PANELS ON THE EAST FACING ROOM AREA OF THE CONTRIBUTING HOUSE AT 543 MARINE STREET IN THE HIGHLAND LAWN HISTORIC DISTRICT. WIP DATE: APRIL 14, 2010. DENIED BY THE LANDMARKS BOARD 4-0. LAST OPPORTUNITY FOR CALL-UP IS APRIL 20, 2010.**

Council Member Ageton raised the call-up based on the applicants request and went by the property address. She acknowledged competing goals of climate action and historic preservation.

There was general council consensus to ask staff to schedule a study session to look at overlapping issues between historic preservation and other important goals such as the Climate Action Plan.

No action was taken on this item.

**B. CONSIDERATION OF A MOTION ACCEPTING STAFF RECOMMENDATIONS FOR AFFORDABLE HOUSING TASK FORCE MEMBERSHIP FOR CITY COUNCIL ENDORSEMENT, AND RECOMMENDATIONS ON THE TASK FORCE CHARGE, STRUCTURE, OUTCOMES AND TIMELINES. – 9:56 P.M.**

Deputy Mayor Wilson moved, seconded by Appelbaum to endorse the staff recommendations for membership on the Affordable Housing Task Force.

Council Member Gray moved, seconded by Morzel to suspend the rules and continue the meeting at 10: 30 p.m. The motion carried 8:1; Karakehian opposed.

**C. CHARTER COMMITTEE UPDATE. – 10:30 P.M.**

Council Member Ageton listed the following potential ballot items discussed by the Charter Committee:

- 1) Changes to the size of the Open Space and Mountain Parks Board, Transportation Advisory Board, and Library Commission. The Charter Committee recommended discussing this matter at the upcoming Boards & Commissions study session and bringing this back for consideration by the Charter Committee a year from now.
- 2) Executive sessions for land purchases and external negotiations. The committee was not wild about putting the matter on the ballot this year and suggested leaving it off until next year.
- 3) Campaign finance reform issues. The committee determined this was an Ordinance issue not a Charter issue and suggested this be wrapped into City Clerk Lewis' work.
- 4) Health benefits for Council. The Charter Committee reviewed the work of the Council Compensation Task Force that met last spring. The issue was ambiguous and needed a bigger discussion. The Charter Committee recommended moving forward with this potential ballot item.
- 5) Changes to Council structure. The committee acknowledged this was a much larger issue affecting multiple sections of the Charter. It suggested putting together a committee to analyze the matter, therefore no further discussion among the Charter Committee.
- 6) Solar Gardens and their impact on the height limit. The Charter committee did not reach a conclusion on this item as more staff information was needed. The committee would like to move forward with this potential ballot item.

**D. Discussion regarding the Boulder Urban Renewal Authority Board appointment. – 10:40 p.m.**

This item would be brought back at the May 4 meeting.

**E. City Attorney Search Committee Update – 10:43 p.m.**

Council Member Morzel commented that 42 applications were received, 25 met the minimum requirements and 16 met the threshold. Phone interviews were held. Tonight the committee was recommending four finalists.

Council asked Deputy City Clerk Kohl to send a reminder about available interview dates.

**OTHER MATTERS:**

Council Member Morzel reminded Council and the public about the Dandelion Festival this Saturday, April 24 at the Boulder Bandshell from 9am to 4pm to promote a healthier community.

9. **PUBLIC COMMENT ON MATTERS:** None

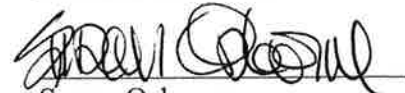
10. **FINAL DECISIONS ON MATTERS:** Action on motions made under Matters.

Vote was taken on the motion to endorse the staff recommendations for membership on the Affordable Housing Task Force. The motion carried unanimously 9:0 at 9:54 p.m.

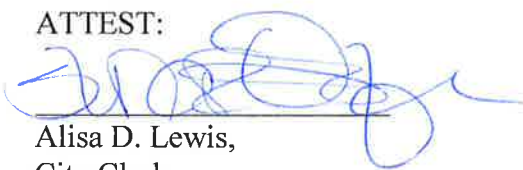
11. **ADJOURNMENT**

There being no further business to come before Council at this time, BY MOTION REGULARLY ADOPTED, THE MEETING WAS ADJOURNED AT 10:55 P.M.

APPROVED BY:

  
Susan Osborne,  
Mayor

ATTEST:

  
Alisa D. Lewis,  
City Clerk